



16458

PATENT APPLICATION
Attorney Docket No: 28341/6227.NCP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Lowery et al.

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Serial No: 09/545,199

Filed: April 6, 2000

For: ANTI-BACTERIAL VACCINE COMPOSITION

Group Art Unit: 1645

Examiner: V. Portner

Joseph A. Williams, Jr.

Amend
17/C

July 16
7/16/02

RESPONSE UNDER C.F.R. § 1.111

RECEIVED

Commissioner for Patents
Washington, D.C. 20231

JUL 08 2002

TECH CENTER 1600/2900

Dear Sir:

This is a response to the outstanding non-final Office Action mailed on January 30, 2002, (hereinafter, the "Office Action"), by the U.S. Patent and Trademark Office in the above-referenced application. In the Office Action, claims 1-24 and 31-33 were rejected under 35 U.S.C. § 112, first paragraph, for assertedly lacking written descriptive support and lacking enablement commensurate with the scope of the claims. Additionally, claims 1-24 and 31-33 were rejected under 35 U.S.C. § 112, second paragraph, for asserted indefiniteness. Claims 1-5 and 31-32 were rejected under 35 U.S.C. §102(b) as assertedly being anticipated by the disclosure of Nakamoto et al., J. Biol. Chem. 268:867-872 (1993) (hereinafter, "Nakamoto"), and claims 1-2, 6, 7-8, 12, 31-32 were rejected as assertedly being anticipated by the disclosure of Gwinn et al., J. Bacteriology 179:7315-7320 (1997) (hereinafter, "Gwinn"). Applicants respectfully request reconsideration in view of the following amendments and remarks.